

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:18-cv-65-FL

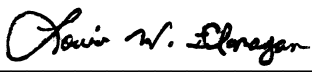
STEVEN D. SMITH,)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
ANDREW SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act (the "Act"), 42 U.S.C. § 406(b), in the amount of \$12,000.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$2,268.00 (ECF No. 23).

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under section 206(b) of the Act, 42 U.S.C. § 406(b), in the amount of \$ 12,000.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 31st day of December 2019.



LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE